

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

THOMAS MACLEOD,
(Petitioner),

v.

C.A. 04-11629-PBS

DAVID NOLAN,
(Respondent).

PETITIONER'S MOTION TO SUPPLEMENT
THE RECORD

Now comes the above Petitioner and respectfully moves this Honorable Court To Supplement The Record. It has become apparent that the Record is inadequate and requires additional information.

The additional editification consists of the trial judges 'Denial' of Petitioners Motion For Funds (Exhibit A) and the first page of the second grand jury (Habitual offense), as (Exhibit B), a second attorney letter, (Exhibit C).

In the interest of jutice this Supplement should be ALLOWED.

DATED: October 17, 2004

By the Petitioner,

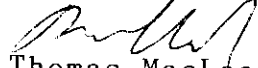

Thomas MacLeod
MCI-CJ
P.O. Box 100
South Walpole, Ma.
02071

EXHIBIT
A

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK,ss

SUPERIOR COURT
CR. # 99-10201

COMMONWEALTH

V.

THOMAS MacLEOD

MEMORANDUM OF LAW and ORDER
[On Defendant's Motion For Funds]

On November 1, 1999 the defendant, Thomas MacLeod (Mr. MacLeod), pled guilty to breaking and entering with the intent to commit a felony as a habitual criminal pursuant to G.L. c. 266 §18 and c. 279 §25, respectively. He received a sentence of ten years to ten years and one day¹ to run concurrent with a sentence being served from Middlesex Superior Court and the sentence was imposed nunc pro tunc to May 17, 1999.

Mr. MacLeod moves for funds for an investigator claiming he was lawfully on the premises in question. There is a claim he received no benefit from pleading guilty as an habitual offender. As his counsel stated at the end of the plea colloquy he is parole eligible after serving ½ of his sentence pursuant to G.L. c. 127 §133B which is substantially less time than a straight sentence imposed under G.L. c. 266 §18.


However, notwithstanding the claim of no benefit from pleading guilty as an habitual offender, a review of the statement of facts recited by the ADA during the colloquy which Mr. MacLeod acknowledged as being true leaves no doubt that he committed the offense.

¹The sentence will be corrected to reflect the maximum allowable under the statute which is ten years.

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SUPERIOR COURT
SUFFOLK COUNTY
OCT 20 2004
10/20/04

ORDER

In the exercise of my discretion, I deny the motion for funds.


Elizabeth Bowen Donovan
Justice of the Superior Court

Date: February 6, 2002

EXHIBIT
B

No. of Pages: 5

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPERIOR COURT

SUFFOLK COUNTY

GRAND JURY

RE: THOMAS MacLEOD

No(s). SUCR99-10201

Presented By: EDMUND ZABIN, ESQ.

Assistant District Attorney

Also Present: ELLEN LOPEZ, ESQ.

Assistant District Attorney

Friday, March 5, 1999

Boston, Massachusetts

J & K COURT REPORTING, P.O. Box 321, Swampscott, MA 01907

KC (978) 538-0296

FAX: (978) 744-6476 KC

*****COMPUTER AIDED TRANSCRIPTION*****

EXHIBIT
C

10-06-02

Thomas MacLeod
1 Administration Road
Bridgewater, MA 02324

Dear Tom,

Hey, how are you. I got your letter and understand you have a new attorney. I have a call into her (Alba Doto Baccari) and I'm waiting for her return call.

When you speak to Attorney Baccari, please let her know I'll do whatever I can to help out. That's a promise!

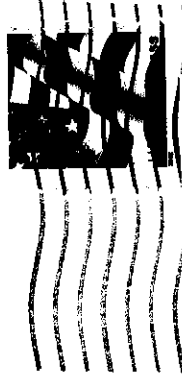
Please write me a more detailed letter and explain to me what's going on or have Attorney Baccari call me ASAP

I hope all is as well as it can be!

Your friend,
Dave Donohue

P.S. I hope all goes well with New Trial.

Law Offices of
David C. Donahue
550 Cambridge Street
Boston MA 02134



Mr. Thomas Macleod
1 Administration Road
Bridgewater, MA 02324

LEGAL MAIL

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